



## Texas Department of Insurance

### Division of Workers' Compensation

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## Memorandum

**To:** Workers' Compensation System Participants

**From:** Jeff Carothers, Director of the Office of Workers' Compensation Counsel

**Date:** February 23, 2012

**Subject:** Formal Proposal: Designated Doctor Procedures and Requirements Rules

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comment on the proposed amendments to 28 Texas Administrative Code (TAC) §§127.1, 127.5, 127.10, 127.20, 127.25, 180.23, the proposed repeal of 28 TAC §130.6 and §180.21, and proposed new 28 TAC §§127.100, 127.110, 127.120, 127.130, 127.140, 127.200, 127.210, and 127.220. The proposal will be published in the February 24, 2012, issue of the *Texas Register* and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml> once published. A courtesy copy is also available through the TDI website at [www.tdi.texas.gov/wc/rules/proposedrules/index.html](http://www.tdi.texas.gov/wc/rules/proposedrules/index.html). The public comment period closes Monday, March 26, 2012 at 5 p.m. Central Standard Time (CST). Comments received after the close of the comment period will not be considered.

Public comments may be submitted by e-mailing [rulecomments@tdi.state.tx.us](mailto:rulecomments@tdi.state.tx.us) or by mailing or delivering the comments to:

Texas Department of Insurance, Division of Workers' Compensation  
Maria Jimenez  
Workers' Compensation Counsel MS-4D  
7551 Metro Center Drive, Suite 100  
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A public hearing on these proposals will be held on March 26, 2012 at 9:30 a.m. CST in the Tippy Foster Room of the TDI-DWC Central Office, 7551 Metro Center Drive, Austin, Texas. The TDI-DWC provides reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the Americans with Disabilities Act. If you require accommodations in order to attend the hearing please contact Idalia Salazar at (512)804 - 4403 at least two business days prior to the confirmed hearing date.

The hearing will also be audio streamed. To listen to the audio stream, access the Public Outreach Events/Training Calendar on the TDI website at <http://www.tdi.texas.gov/wc/events/index.html> and then click on the "Broadcast" link for the hearing. Media Player 7 (or new version) or RealPlayer 10 (or newer version) is required to hear the audio stream. Audio streaming will begin approximately five minutes before the scheduled time of the hearing.

The public hearing date, time, and location should be confirmed by those interested in attending or listening via audio stream; the hearing may be confirmed by visiting the Public Outreach Events/Training Calendar website at <http://www.tdi.texas.gov/wc/events/index.html>. Written and oral comments presented at the hearing will be considered.

The primary purpose of these proposed new and amended rules is to implement the statutory changes made in House Bill 2605 that affect designated doctor scheduling, certification, and qualifications. Additionally, the proposed rules seek to implement other changes necessary for the efficient administration of the designated doctor system and to clarify established TDI-DWC policies not currently expressed in rule. Lastly, these proposed rules repeal 28 TAC §180.21 of this title (relating to Division Designated Doctor List) and §130.6 of this title (relating to Designated Doctor Examinations for Maximum Medical Improvement and/or Impairment Ratings) and recodify the relevant provisions of these proposed repealed rules in 28 TAC Chapter 127.

The DWC Form-032, *Request for Designated Doctor Examination*; proposed new DWC Form-067, *Designated Doctor Certification Application*; and proposed new DWC Form-068, *Designated Doctor Examination Data Report*, are being informally proposed with these rules and are available for informal comment.

If there are any questions regarding the information in this memo, contact Nicholas Gonzalez at (512) 804-4277 or [Nicholas.Gonzalez@tdi.state.tx.us](mailto:Nicholas.Gonzalez@tdi.state.tx.us).